REMARKS/ARGUMENTS

In the specification, the paragraph beginning at page 7, line 23 has been amended to add reference character "18" to the specification.

Claims 1-3, 5-12, 14, 19 and 20 remain in this application.
Claims 4, 13 and 15-18 have been canceled.
Claim 21 has been added.

In response to the Office Action of September 23, 2005, Applicant requests re-examination and reconsideration of this application for patent pursuant to 35 U.S.C. 132.

Objections to the Drawings

The drawings have been objected to for failing to comply with 37 CFR 1.84(p)(5) because reference character "18" of Fig. 2 has not been described in the specification.

Accordingly, the specification at page 8, lines 5 has been amended to identify the safety switches with reference numeral "18".

Objections to the Specification

The specification was objected to for the use of undefined abbreviations.

Accordingly the specification has been amended to include the definitions for "EPROM" and "LED".

Rejections under 35 USC 102(b)

Claims 1-3, 5-12, 14 and 16-20 stand rejected under 35 USC 102(b) as being anticipated by Endres et al. The examiner alleges that Endres et al. `247 disclose an integrated lifting system (10) for a boat cradle:

with regard to claim 1,

wherein the cradle is raised and lowered by motors (11) on the fixed support (3) of a dock and the boat is carried by the cradle (40), said system comprising a level sensing module (col. 8, lines 9 through 12) and a motor control module (110) operatively interconnected, said level sensing module comparing the water line of the boat and the surface of the water, said motor control module determining the direction of the cradle movement (via relays 121 and 123; col. 5, lines 57 through 60) said motor control module adapted to be connected to motors whereby said motor control module energizes the motors to move the cradle and said level sensing module signals said motor control module to stop the motors when the water line and the surface of the water reach a predetermined distance;

with regard to claim 2,

further comprising a receiver module (107) operatively interconnected to said motor control module, said receiver module including a manual switch (227) for operating said system(col. 6, lines 26 through 31);

with regard to claim 3,

further comprising a transmitter module (104; also col. 5, lines 47 through 51) operatively connected to said receiver module, said transmitter module being portable and including manual switches for operating said system, said receiver module accepting input from said transmitter module manual switches and conveying said input to said motor control module;

with regard to claim 5,

further comprising said level sensing module having at least one float switch in said control circuit, said float switch activated by a certain water depth (col. 8, lines 9 through 29);

with regard to claim 6,

further comprising a storage limit switch (239) operatively connected with said motor control module, said storage limit switch adapted to be attached to the fixed support (col. 6, lines 18 through 25), one of said manual switches commanding a storage position, said one of said manual switches non-responsive with said storage limit switch closed and the cradle in the storage position, said motor control module signaling the motors to raise the cradle with said storage limit switch open (See Figure 8);

with regard to claims 7 and 9,

further comprising another manual switch (237) commanding a launch/retrieve position, said another manual switch non-responsive with the cradle in the launch/retrieve position,
otherwise said motor control module signaling the motors to raise or lower the cradle to the launch/retrieve position; and

with regard to claims 8 and 10,

a third manual switch (101 or 103) commanding a load/unload position (intermediate the upper and lower limits of the frame), said third manual switch non-responsive with the cradle in the load/unload position, said motor control module signaling the motors to raise the cradle with the cradle below the load/unload position or to lower the cradle with the cradle above the load/unload position.

With regard to claim 1, while Endres et al. `247 do not expressly teach the level sensing module adapted to be mounted on the cradle, the intended use recitation is met because the device shown by Endres et al. `247 has the ability to be mounted on the cradle.

Endres et al. `247 show an integrated lifting system for a vessel, the improvement comprising:

with regard to claim 11,

a motor control module (100) including a control circuit (110) mounted on a fixed support (3) and operatively interconnected to said at least one motor (11), a level sensing module(col. 8, lines 9 through 12) operatively connected to said motor control module, said level sensing module having a switch activated as the water line of the vessel and the surface of the water coincide, said control circuit determining the direction of the cradle (40) movement whereby said motor control module energizes said at least one motor to raise or lower the cradle
and said level sensing module signals said motor control module to stop said at least one motor when said switch is activated;
with regard to claim 12,

further comprising said cradle adapted to be immersed in water below the water line of the vessel, said cradle adapted to capture a floating vessel, said switch of said level sensing module mounted on said cradle at a position approximately parallel with the water line of said vessel when said vessel is supported by said cradle; and

with regard to claim 14,

further comprising at least one safety switch (237 or 239) operatively connected to said motor control module, when activated said safety switch energizes said motor control module to not accept signals from the level sensing module and disengage said motor.

With regard to claims 16 through 20, the method steps recited therein are inherent to the use of the device disclosed by Endres et al. `247.

Claim 1 has been amended to positively recite that level sensing module is mounted on the cradle and that the motor control module is connected to the motors to perform the recited functions. The examiner has stated, regarding the rejection of claim 1, that "while Endres et al. '247 does not expressly teach the level sensing module adapted to be mounted on the cradle, the intended

use recitation is met because the device shown by Endres et al. '247 has the ability to be mounted on the cradle." Claim 1 now positively recites that the level sensing module is mounted on the cradle. The level sensing means of Endres et al. '247 is a plurality of vertically spaced moisture sensors mounted on one of the pilings 3. There is no teaching or suggestion in Endres et al. to mount these moisture sensors on the cradle. Therefore Endres et al. '247 does not anticipate claim 1 as now amended. Claims 2-5 and 6-10 depend from claim 1 and distinguish over the disclosure of Endres et al.'247 for same reasons that claim 1 does.

Claim 11 has been amended to recite that the level sensing module is "..in operative engagement with a float switch which is in mechanical engagement with said cradle to discern the position of said cradle relative to the vessel waterline said float switch is activated as the waterline of the vessel and the surface of the water coincide...". The level sensing module is operatively connected to a float switch. The float switch is mounted on the cradle of the lift to establish the position of the cradle with respect to the waterline of the vessel. Also, the float switch is activated as the waterline of the vessel and the surface water coincide or meet.

In the rejection of claim 11 the examiner refers to column 8, lines 9-12 to teach a level sensing module operatively connected to the motor control module, said sensing module having a switch

activated as the waterline of the vessel and the surface of the water coincide. The level sensing module of Endres et al. '247 relies on the vertically spaced moisture sensors located on one of the pilings to determine the elevation of the surface of the water. Endres et al.'247 goes on to explain that the controller (110) may be programmed in a manner which should be understood by those skilled in the art that a boat may be lowered into the water based on the number of moisture sensors which have been closed by immersion in the water. Claim 11 has been amended to clarify that the level sensing module is in communication with and responsive to a float switch which is mounted on the cradle of the lift and that the float switch is activated when the waterline of the vessel and the surface of the water coincide. Endres et al.'247 does not disclose the use of a float switch to control anything. Also, the water surface sensors of Endres et al.'247 cannot be mounted on the cradle of the lift to establish the elevation of the surface of the water. They can only establish the elevation of the surface of the water if they are mounted on one of the pilings. Further, the water surface sensors of Endres et al.'247 are not activated as the waterline of the vessel and the surface of the water coincide. Claims 12 and 14 depend from claim 11 and distinguish over the disclosure of Endres et al.'247 for the same reasons that claim 11 does.

Claim 21 has been added to further clarify the method of automatically positioning a vessel lift cradle. Claim 21 calls for the method of providing a vertically movable cradle for lifting a vessel out of the water and lowering the vessel into the water; providing a power source to move the cradle; providing a control module with a control circuit; the control circuit is in communication with a storage limit switch, a level sensing module, the control module and a receiver module; the control module determined the direction of vertical movement of the cradle; the control module starts and stops the power source; the control module has three activation states *storage, load/unload and launch retrieve;* when the storage state is selected the cradle is raised above the water until it reaches a level determined by a limit switch; the load/unload and launch/retrieve positions are determined by at least one float switch positioned on the cradle so that the waterline of the vessel will coincide with the surface of the water; and operation of the receiver module causes the control module to send a signal to the power source to move the cradle in a particular direction.

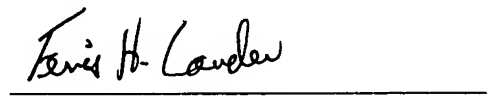
Endres et al.'247 fails to disclose a vessel lifting system which performs all these steps. In particular the lifting system of Endres et al.'247 must rely on a controller which has been previously programmed with the specific cradle positions and water levels. The controller then controls the time that the motors

operate to raise or lower the cradle. Endres et al.'247 does not disclose the use of a float switch which is activated by contact with the surface of the water and signals the control module to stop lowering or raising the cradle. Endres et al.'247 also fails to disclose a load/unload position which is above the launch/retrieve position. Both of these positions being controlled by the float switch. Since Endrers et al.'247 does not disclose the structure capable of performing the claimed method it is not seen how the method steps are inherent to the use of the device disclose by Endres et al.'247. Claims 19 and 20 depend from claim 21 and distinguish over Endres et al. '247 for the same reasons that claim 21 does.

SUMMARY

In light of the foregoing remarks and amendment to the claims, it is respectfully submitted that the Examiner will now find the claims of the application allowable. Favorable reconsideration of the application is courteously requested.

Respectfully submitted,



Ferris H. Lander
Registration # 43,377

McHale & Slavin, P.A.
2855 PGA Boulevard
Palm Beach Gardens, FL 33410
(561) 625-6575 (Voice)
(561) 625-6572 (Fax)

\\Ns2\server\CLIENT FILES\2400-2499\2422 - Cosgrove\2422_000001 - PROV-UT PAT\Amendments\2422.001 resp to oa 9-23-05.wpd